



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029**

June 11, 2007

Mr. Vance Hobbs
U. S. Army Corp of Engineers
Baltimore District
CENAB-OP-RMN
P.O. Box 1715
Baltimore Md. 21203-1715

Re: Tiered Final Environmental Impact Statement (FEIS) for the Proposed Masonville
Dredged Material Containment Facility, Baltimore, Maryland, May 2007

Dear Mr.Hobbs,

In accordance with the National Environmental Policy Act of 1969 (NEPA), Section 309 of the Clean Air Act and Section 404 of the Clean Water Act (CWA), the Environmental Protection Agency (EPA) has reviewed the above referenced Final Environmental Impact Statement (FEIS) for the proposed Masonville Dredged Material Containment Facility (DMCF). The FEIS is associated with the Maryland Port Administration's (MPA) application for a Department of Army permit to construct a DMCF in waters of the United States, including jurisdictional wetlands, pursuant to Section 10 of the River and Harbors Act of 1899 and Section 404 of the Clean Water Act. The proposed project includes construction of a new DMCF capable of receiving material dredged from the Baltimore Harbor Channels north of the North Point-Rock Point line in the Patapsco River.

EPA concurs with the analysis and findings contained in the FEIS. Our comments pertain primarily to the comprehensive compensation and mitigation plan developed by the MPA upon which we concur. The adequacy of the aquatic mitigation compensation has been evaluated based on the habitat condition factors using a Habitat Equivalency Analysis. In particular, MPA has committed to allocate funds for the maintenance of the aquatic mitigation project in perpetuity. The need for this commitment was a major concern in our previous comments. We commend MPA and the Corps for their detailed and focused attention to this concern. To implement the long term maintenance condition of the Masonville DMCF permit issuance, the Corps is working in conjunction with the MPA on developing a project trust with annual contributions from the MPA that can be potentially managed through a third party. Accordingly the prior Section 404 concerns with the project have been adequately addressed and we have no objection to permit issuance provided that all mitigation and compensatory requirements are met and made a condition of permit issuance.

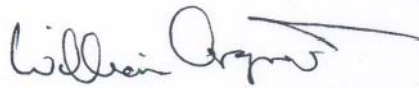
We are also encouraged that the Innovative Reuse Committee (IRC), in which EPA participates, has drafted a screening study for the MPA examining innovative reuse options for long term dredged disposal needs. Indications are that options may be implementable in the fairly



near future. In addition, the exploration of the feasibility of policy changes reflecting better definition of the suitability of dredged materials for various applications is to be commended. We support this effort and look forward to the timely development and implementation of various options for the innovative reuse of dredged materials in the near future.

Thank you for the opportunity to provide comments on the FEIS and Joint Permit application for the Masonville DMCF. Should you have any questions regarding our comments on the FEIS please contact me at (215) 814 3367 or Marria O'Malley Walsh at (570) 628-9685. Should you have any questions concerning the Section 404 permitting issues contact Jim Butch at (215) 814-2762.

Sincerely,

A handwritten signature in black ink, appearing to read "William Arguto", with a long horizontal stroke extending to the right.

William Arguto
NEPA Team Leader
Environmental Programs Branch

